

F_{target} (0.26) that is specified in the FMP, if the 2003 TAL and assumed discard levels are not exceeded. The TAL associated with the target F is allocated 60 percent to the commercial sector and 40 percent to the recreational sector; therefore, the initial TAL would be allocated 16.92 million lb (7,675 mt) to the commercial sector and 11.28 million lb (5,117 mt) to the recreational sector. The commercial quota is then allocated to the coastal states based upon percentage shares specified in the FMP.

The Council and Board adopted the Summer Flounder Monitoring Committee's recommendation. The Council and Board also agreed to set aside 174,750 lb (79.3 mt) of the summer flounder TAL for research activities. After deducting the RSA, the TAL would be divided into a commercial quota of 16.82 million lb

(7,630 mt) and a recreational harvest limit of 11.21 million lb (5,085 mt).

In addition, the Commission is expected to maintain the voluntary measures currently in place to reduce regulatory discards that occur as a result of landing limits established by the states. The Commission established a system whereby 15 percent of each state's quota would be voluntarily set aside each year to enable vessels to land an incidental catch allowance after the directed fishery has been closed. The intent of the incidental catch set-aside is to reduce discards by allowing fishermen to land summer flounder caught incidentally in other fisheries during the year, while also ensuring that the state's overall quota is not exceeded. These Commission set-asides are not included in any tables in this document, because NMFS does not have authority to establish such subcategories.

NMFS proposes to implement the 28.2-million lb (12,791-mt) TAL with a 174,750-lb (79.3-mt) RSA, as recommended by the Council and Board. The 11.21-million lb (5,085-mt) recreational harvest limit would be allocated on a coastwide basis. The commercial quota would be allocated to the states as shown in Table 1. Table 1 presents the allocations by state, with and without the commercial portion of the 174,750-lb (79.3-mt) RSA deduction. These state quota allocations are preliminary and are subject to a reduction if there are overages of a state's 2003 quota (using the landings information and procedures described earlier). Any commercial quota adjustments will be published in the **Federal Register** in the final rule implementing these specifications.

TABLE 1.—2004 PROPOSED INITIAL SUMMER FLOUNDER STATE COMMERCIAL QUOTAS

State	Percent share	Commercial quota		Commercial quota less RSA	
		lb	kg ¹	lb	kg ¹
ME	0.04756	8,047	3,650	7,997	3,628
NH	0.00046	78	35	77	35
MA	6.82046	1,154,022	523,461	1,146,871	520,217
RI	15.68298	2,653,560	1,203,647	2,637,117	1,196,188
CT	2.25708	381,898	173,228	379,531	172,154
NY	7.64699	1,293,871	586,896	1,285,853	583,259
NJ	16.72499	2,829,868	1,283,620	2,812,332	1,275,665
DE	0.01779	3,010	1,365	2,991	1,357
MD	2.03910	345,016	156,498	342,878	155,528
VA	21.31676	3,606,796	1,636,032	3,584,445	1,625,894
NC	27.44584	4,643,836	2,106,430	4,615,059	2,093,377
Total	100.00001	16,920,002	7,674,862	16,815,152	7,627,303

¹ Kilograms are as converted from pounds and do not add to the converted total due to rounding.

Scup

Scup was most recently assessed at the 35th Northeast Regional Stock Assessment Review Committee (SARC 35) in June 2002. SARC 35 concluded that scup are no longer overfished, but stock status with respect to overfishing cannot currently be evaluated, due to a lack of reliable discard estimates and information regarding the length composition of scup landings and discards. Scup SSB is increasing. The NEFSC spring survey 3-year average (2001 through 2003) for scup SSB was 3.31 kg/tow, which is about 19 percent higher than the threshold that defines the stock as overfished (2.77 kg/tow).

SARC 35 indicated that relative exploitation rates on scup have declined in recent years, although the absolute value of F cannot be determined. Overall, most recent scup survey observations indicate strong recruitment and some rebuilding of age structure.

SARC 35 noted that the stock can likely sustain modest increases in catch, but that such increases should be taken with due consideration of the uncertainties associated with the stock status determination.

The target exploitation rate for scup for 2004 is 21 percent. The FMP specifies that the TAC associated with a given exploitation rate be allocated 78 percent to the commercial sector and 22 percent to the recreational sector. Scup discard estimates are deducted from both sectors' TACs to establish TALs for each sector (TAC less discards = TAL). The commercial TAL is then allocated on a percentage basis to three quota periods, as specified in the FMP: Winter I (January–April)—45.11 percent; Summer (May–October)—38.95 percent; and Winter II (November–December)—15.94 percent.

The proposed scup specifications for 2004 are based on an exploitation rate

in the rebuilding schedule that was approved when scup was added to the FMP in 1996, prior to passage of the Sustainable Fisheries Act (SFA). Subsequently, to comply with the SFA amendments to the Magnuson-Stevens Act, the Council prepared Amendment 12, which proposed to maintain the existing rebuilding schedule for scup established by Amendment 8. On April 28, 1999, NMFS disapproved that rebuilding plan for scup because the rebuilding schedule did not appear to be sufficiently risk-averse. NMFS advised the Council that the exploitation rate reflects the overfishing definition (converted to an F rate) which is conceptually sound and supported by NMFS. Therefore, for the short term, the proposed scup specifications for 2004 are based on an exploitation rate of 21 percent. NMFS believes that the long-term risks associated with the disapproved rebuilding plan are not